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**5 Attorneys for Plaintiffs**

**6 UNITED STATES DISTRICT COURT**  
**7**  
**8 DISTRICT OF NEVADA**

**9 JESSICA SMITH, an individual; and**  
**10 MICHAEL BLAKE, an individual,**

**11 Plaintiffs,**

**12 v.**

**13 CLARK COUNTY, NEVADA, a political**  
**14 subdivision of the State of Nevada; LAS**  
**15 VEGAS METROPOLITAN POLICE**  
**16 DEPARTMENT, a political subdivision of**  
**17 Clark County, Nevada and the State of**  
**18 Nevada; MATTHEW ARNOLD, in his**  
**19 individual capacity; MATTHEW TAYLOR, in**  
**20 his individual capacity; BENEDETTO**  
**21 MAYER, in his individual capacity; CODY**  
**22 GAULT, in his individual capacity; HOMER**  
**23 CARRILLO JASSO, in his individual**  
**24 capacity; DOE LAS VEGAS**  
**25 METROPOLITAN POLICE OFFICERS I-X;**  
**26 KEVIN CAREY, an individual, DOES I**  
**27 through X and ROE ENTITIES I through X,**  
**28 inclusive,**

**Defendants.**

CASE NO. 2:23-CV-01881-ART-BNW

**PROPOSED DISCOVERY PLAN AND**  
**SCHEDULING ORDER**

SPECIAL SCHEDULING REVIEW  
REQUESTED

The parties held a scheduling conference under Federal Rule of Civil Procedure 26(f) on January 17, 2024. The parties now submit their proposed discovery plan and scheduling order in compliance with LR 26-1(b).

1. Discovery Cut-Off Date. The first defendant answered or otherwise appeared on January 4, 2024. The discovery cut-off date is **October 4, 2024**.

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1           2.       Amending the Pleadings and Adding Parties. The deadline to amend the pleadings  
2 and add parties is **July 8, 2024**.

3           3.       Expert and Rebuttal-Expert Disclosures. The deadline to disclose experts is  
4 **August 5, 2024**. The deadline to disclose rebuttal experts is **September 4, 2024**.

5           4.       Dispositive Motions. The deadline to file dispositive motions is **November 4, 2024**.

6           5.       Pretrial Order. The deadline to file a pretrial order is **December 4, 2024**.

7           6.       Fed. R. Civ. P. 26(a)(3). The disclosures required by this rule and any objections to  
8 them must be included in the joint pretrial order.

9           7.       Alternative Dispute Resolution. The parties certify that they met and conferred about  
10 the possibility of using alternative dispute-resolution processes including mediation, arbitration, and  
11 if applicable, early neutral evaluation. They do not believe this would be warranted at this time.

12          8.       Alternative Forms of Case Disposition. The parties certify that they considered  
13 consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use  
14 of the Short Trial Program (General Order 2013-01). They do not desire referral to magistrate judge  
15 for trial at this time.

16          9.       Electronic Evidence. The parties certify that they discussed whether to present  
17 evidence in electronic format to jurors for the purpose of jury deliberations. The parties see no  
18 unusual issues related to electronic evidence at this time.

19          10.      Request for Special Scheduling Review: The parties have requested nine months of  
20 discovery instead of the standard six month (180 day) period for discovery in this case. The primary  
21 reason is that this a complex civil rights action involving two political subdivisions and at least six  
22 different individual defendants. The parties anticipate several depositions in light of this and time  
23 will be needed to clear scheduled and conduct these depositions. Additionally, Plaintiffs anticipate  
24 they may need to amend their complaint to add new individua Defendants if discovery finds that  
25 additional officers were involved in one of the incidents (Plaintiffs could not confirm whether the  
26 earliest of three incidents involved the same group of officers or if different ones were involved at  
27 the time of filing). Plaintiff also anticipates the need for additional time to allow motion practice on  
28 certain spoliation issues they believe exist in the case (Defendants do not concede to any spoliation).

1           **IT IS SO STIPULATED AND AGREED.**

2           Dated this 30<sup>th</sup> day of January, 2024.

Dated this 30<sup>th</sup> day of January, 2024.

3           **BREEDEN & ASSOCIATES, PLLC**

**MARQUIS AURBACH**

4           /s/ Adam J. Breeden

/s/ Craig Anderson

5           **ADAM J. BREEDEN, ESQ.**

**CRAIG R. ANDERSON, ESQ.**

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9           Attorneys for Plaintiffs

Attorney for Las Vegas Metro Police Dept. &  
Officers

11          Dated this 30<sup>th</sup> day of January, 2024.

12          **CLARK COUNTY DISTRICT ATTORNEY**

13          /s/ Timothy J. Allen

14          **TIMOTHY J. ALLEN, ESQ.**

Nevada Bar No. 14818

15          Deputy District Attorney

16          Office of the District Attorney – Civil Division

17          500 S. Grand Central Parkway, 5th Floor

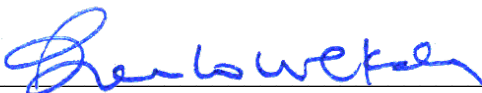
Las Vegas, Nevada 89155

18          Timothy.Allen@ClarkcountyDA.com

19          Attorneys for Defendants Clark County and Kevin

Carey

23                   **IT IS SO ORDERED**

24                   

25                   **UNITED STATES DISTRICT COURT JUDGE**

26                   **DATED:** 1/31/2024

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30th day of January, 2024, I served a copy of the foregoing legal document **PROPOSED DISCOVERY PLAN AND SCHEDULING ORDER** via the method indicated below:

X	Through the Court's ECF/CM system on all registered users
	Pursuant to FRCP 5, by placing a copy in the US mail, postage pre-paid to the following counsel of record or parties in proper person:
	Via receipt of copy (proof of service to follow)

An Attorney or Employee of the following firm:

/s/ Kirsten Brown  
**BREEDEN & ASSOCIATES, PLLC**